

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID M. MITTERLEHNER
 AKA: MIKE MITTERLEHNER
 MAXINE E. MITTERLEHNER

Debtor(s)

CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 1-17-01993-HWV

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on August 8, 2017, Charles DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case for the following reason(s):

- 1) A Petition under Chapter 13 was filed on May 12, 2017.
- 2) The Debtor has not filed the following items or a motion for extension of time to file same pursuant to F.R.B.P. 1007(c).
 - **Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME AND CALCULATION OF COMMITMENT PERIOD**
 - **Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME**
 - **CHAPTER 13 PLAN**
- 3) If upon receipt of this Motion and the Notice, Debtors file the missing documents on or before the response date specified on said notice, the Motion shall be deemed withdrawn and moot.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case.

Respectfully submitted,
s/ Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

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CHAPTER 13

CASE NO: 1-17-01993-HWV

NOTICE

The debtor(s) filed a Chapter13 Bankruptcy Petition on May 12, 2017.

The Standing Chapter 13 Trustee, Charles J. DeHart, III, has filed a Motion to Dismiss for failure to file the indicated document(s) below:

- **Form 122C-1 CHAPTER 13 STATEMENT OF CURRENT MONTHLY INCOME
AND CALCULATION OF COMMITMENT PERIOD**
- **Form 122C-2 CHAPTER 13 CALCULATION OF YOUR DISPOSABLE INCOME**
- **CHAPTER 13 PLAN**

A hearing with the Court has been scheduled for:

Date: September 13, 2017
Time: 09:30 AM
Location: Ronald Reagan Federal Bldg
Bankruptcy Courtroom, 3rd Floor
228 Walnut Street
Harrisburg, PA 17101

Any objection/response to the Trustee's Motion to Dismiss must be filed and served on or before:
August 22, 2017. If Debtor(s) file the missing documents on or before the stated response date, the Motion shall be deemed withdrawn and moot.

Additionally, if you file and serve an objection/response within the time period, a hearing will be held on the above date. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the Motion without further notice or hearing, and may grant the relief requested.

Respectfully submitted,
s/ Charles J. DeHart, III
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036

Dated: August 8, 2017

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: DAVID M. MITTERLEHNER
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CHAPTER 13

Debtor(s)

CASE NO: 1-17-01993-HWV

CERTIFICATE OF SERVICE

I hereby certify that the Debtor and his/her counsel, have been served a copy of this Motion, Notice and Proposed Order by First Class Mail, unless served electronically, at the below address on August 8, 2017.

GARY J. IMBLUM, ESQUIRE
4615 DERRY STREET
HARRISBURG, PA 17111-

DAVID M. MITTERLEHNER
MAXINE E. MITTERLEHNER
2026 KENSINGTON STREET
HARRISBURG, PA 17104

Respectfully submitted,
s/ Vickie Williams
for Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036

Dated: August 8, 2017

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CHAPTER 13

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CASE NO: 1-17-01993-HWV

vs.

DAVID M. MITTERLEHNER
AKA: MIKE MITTERLEHNER
MAXINE E. MITTERLEHNER

MOTION TO DISMISS

Respondent(s)

ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED.